

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

3:07C346-3-MU

(3:96cr10-B)¹

WILLIAM HENRY COLEMAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER comes before the Court upon the Petitioner’s “Motion of Reconsideration 59(e)” filed December 26, 2007 (Doc. No. 7.)

By Order dated December 10, 2007, this Court denied Petitioner’s Motion for Writ of Audita Querela. (Doc. No. 4.) Petitioner now asks this Court to reconsider that Order. However, Petitioner raises no new arguments and simply recites the same claims raised in his original motion, which this Court already considered. Therefore, Petitioner’s motion for reconsideration is denied. Furthermore, to the extent that Petitioner’s motion for reconsideration can construed as a successive petition pursuant to United States v. Winestock, 340 F.3d 200 (4th Cir. 2003), this Court is without jurisdiction to entertain a second or successive habeas petition because Petitioner has not sought permission to file a successive petition from the Fourth Circuit Court of Appeals. See 28 U.S.C. § 2244(b).

¹ The Honorable Terrence W. Boyle presided over the trial in this case.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's motion for reconsideration is **DENIED**.

SO ORDERED.

Signed: January 2, 2008

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

